

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAJU T. DAHLSTROM,

Plaintiff,

V.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. C16-1874RSL

**ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT**

On November 4, 2019, the Court dismissed plaintiff's wrongful discharge claim against the United States, finding that the Sauk-Suiattle Indian Tribe was not a federal actor for purposes of its employment decisions regarding plaintiff, making the waiver of sovereign immunity contained in the Federal Tort Claims Act ("FTCA") inapplicable. Plaintiff filed a timely motion to amend or alter the judgment (Dkt. # 118) in which he again asserts that, in his role as the Tribe's Health & Social Service Director, he was carrying out work encompassed by a federal contract or agreement under the Indian Self-Determination and Education Assistance Act of 1975 ("ISDEAA").

The fact that a Tribal employee filling the role of Health and Social Service Director could be deemed an employee of the Bureau of Indian Affairs (“BIA”) for purposes of the FTCA is irrelevant, however. The issue for purposes of the sovereign immunity analysis is whether the alleged tortfeasor - not the injured party - was carrying out the contract when it decided to terminate plaintiff’s employment. Because plaintiff

1 has not shown that the Tribal Council was performing functions under an ISDEAA
2 contract when it terminated plaintiff's employment, the Tribal Council is not "deemed" to
3 be an employee of the BIA and the FTCA's waiver of sovereign immunity does not
4 apply. Plaintiff's motion to alter or amend the judgment in this matter is DENIED.

Dated this 4th day of December, 2019.

Mrs Casnik

Robert S. Lasnik
United States District Judge